



USDA Foreign Agricultural Service

# GAIN Report

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## EU-27

### FAIRS Subject Report

### European Parliament Report on Novel Foods Proposal

## 2008

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**Report Highlights:**

The European Parliament's (EP) Environment, Public Health and Food Safety (ENVI) Committee recently adopted its report on the European Commission proposal for a new novel foods framework regulation. The EP ENVI Committee introduces an amendment prohibiting the inclusion of food from cloned animals in a Community list of authorized novel foods and adds a clearer definition of food produced with the aid of nanotechnology.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
Annual Report  
Brussels USEU [BE2]  
[E4]

## European Parliament Report on Novel Foods Proposal

### Legislative Procedure

The European Parliament's (EP) Environment, Public Health and Food Safety (ENVI) Committee recently adopted its report on the European Commission proposal for a new novel foods framework regulation. This is the first step in the complex co-decision procedure under which both the European Parliament and the Council have to come to an agreement on the Commission's proposal. The co-decision procedure starts with parallel discussion in both institutions but the Council can only act once the EP has delivered its opinion (EP report) on the proposal. The EP can accept the proposal, propose amendments or reject it. A table explaining the co-decision procedure step-by-step is given at the end of the report.

For detailed information on the Commission proposal see [GAIN report E48014](#). The novel foods proposal was notified to the WTO under the TBT Agreement (WTO Notification G/TBT/N/EEC/188). A [reply from the Commission](#) to the [U.S. comments](#) on the novel foods proposal was sent on October 2, 2008.

### EP Report

#### Animal cloning

The EP ENVI Committee introduces an amendment to the Commission's proposal prohibiting the inclusion of food from cloned animals or their descendants in a Community list of authorized novel food products. The amendment requires the Commission to submit a report assessing the situation with regard to food from cloned animals to the European Parliament and the Council accompanied, if necessary, by a legislative proposal which would have to be adopted under the co-decision procedure.

#### Nanotechnology

The EP ENVI Committee adds a clearer definition of foods produced with the aid of nanotechnology to the Commission's proposal. It defines such products as containing, consisting of or being produced with the aid of synthetic substances not larger than 100nm in length, breadth or height. Foods that have been produced using new technologies such as nanotechnology should undergo a specific risk assessment before being placed on the market.

#### Authorization Procedure

The EP ENVI Committee does not agree with the Commission's proposal to include novel foods in the proposal that establishes a common authorization procedure for food additives, food enzymes and food flavorings. The EP Committee argues that the Commission "has got ahead of itself" because the regulation establishing a common procedure for food additives has not yet been adopted and is still going through the co-decision procedure. Instead, the EP Committee proposes a full description of the common authorization procedure in the novel foods regulation.

## Timetable

The EP Committee has indicated that the Council agrees on most points and hopes to get a single reading deal on the amended proposal. The first reading vote in the EP plenary is scheduled for February 5, 2009.

Co-Decision Procedure Step-by-Step	Status of Novel Foods Proposal
<b>First Reading</b>	
Commission presents proposal to EP and Council	January 14, 2008 <a href="#">COM(2007)872</a>
EP committee responsible adopts draft report on Commission proposal (making amendments to the proposal)	December 2, 2008 (EP Committee responsible: ENVI Committee)
First reading vote on legislative proposal in EP plenary session on the basis of the EP committee report	Scheduled for February 5, 2009 (indicative date)
<ul style="list-style-type: none"> <li>- If Council agrees with the outcome of the EP's first reading vote, the legislative text is adopted.</li> <li>- If Council does not accept the EP's first reading vote, the proposal goes to the second reading phase</li> </ul>	
<b>Second Reading</b>	
If the Council does not accept the amendments made by the EP in first reading, it adopts a "common position"	
EP committee responsible examines the Council's common position and makes its recommendation	
Second reading vote in EP plenary session based on the EP committee's recommendation <ul style="list-style-type: none"> <li>- If EP rejects the common position, examination of the dossier may be resumed only on the basis of a new Commission proposal</li> <li>- EP proposes amendments to the common position</li> <li>- If the EP approves the common position or takes no decision, the legislative text is approved in the form of the common position</li> </ul>	
Commission must issue an opinion on the EP amendments	
<ul style="list-style-type: none"> <li>- If Council accepts all EP amendments, the act is adopted</li> <li>- If Council does not accept all amendments, a Conciliation Committee is convened</li> </ul>	

**Visit our website:** our website <http://useu.usmission.gov/agri/> provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. More information on novel foods can be found at <http://useu.usmission.gov/agri/novelfood.html>. E-mail: [AgUSEUBrussels@usda.gov](mailto:AgUSEUBrussels@usda.gov).

**Related reports from USEU Brussels:**

Report Number	Title	Date Released
<a href="#">E48014</a>	<a href="#">Proposal for a Novel Foods Framework Regulation</a>	30/1/2008
<a href="#">E48084</a>	<a href="#">Review of the Animal Cloning Situation in the EU</a>	7/25/08
These reports can be accessed through our website <a href="http://useu.usmission.gov/agri">http://useu.usmission.gov/agri</a> or through the FAS website <a href="http://www.fas.usda.gov/scriptsw/attacherep/default.asp">http://www.fas.usda.gov/scriptsw/attacherep/default.asp</a> .		